

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

PRO SLAB, INC. and BREMER)
CONSTRUCTION MANAGEMENT, INC., on)
behalf of themselves and all others similarly)
situated,)

Plaintiffs,)

v.)

CIVIL ACTION FILE NO.
2:17-cv-03185-DCN

ARGOS USA CORP., ARGOS NORTH)
AMERICA CORP., ARGOS USA LLC, ARGOS)
READY MIX LLC, ARGOS READY MIX)
(CAROLINAS) CORP., LAFARGE NORTH)
AMERICA INC., LAFARGE BUILDING)
MATERIALS INC., COASTAL CONCRETE)
COMPANY, INC., COASTAL CONCRETE)
SOUTHEAST II, LLC, THOMAS CONCRETE,)
INC., THOMAS CONCRETE OF GEORGIA,)
INC., THOMAS CONCRETE OF SOUTH)
CAROLINA, INC., EVANS CONCRETE)
HOLDINGS, INC., EVANS CONCRETE,)
L.L.C., ELITE CONCRETE HOLDINGS, LLC,)
ELITE CONCRETE, LLC, ELITE CONCRETE)
OF RICHMOND HILL, LLC, and ELITE)
CONCRETE OF SC, LLC,)

Defendants.)

**DEFENDANTS THOMAS CONCRETE, INC.,
THOMAS CONCRETE OF GEORGIA, INC., AND
THOMAS CONCRETE OF SOUTH CAROLINA, INC.’S
MOTION TO DISMISS PLAINTIFFS’ COMPLAINT**

COME NOW Defendants Thomas Concrete, Inc., Thomas Concrete of Georgia, Inc. and Thomas Concrete of South Carolina, Inc. (collectively the “Thomas Entities”) and move to dismiss all claims of the Amended Complaint against them. The Thomas Entities incorporate by reference the Memorandum of Law in Support of Joint Motion to Dismiss Pursuant to Rule 12(b)(6) filed this same day (the “Joint Memorandum”). Further, the Thomas Entities move and

write separately to address arguments unique to the Thomas Entities and will not repeat the arguments or authorities in the Joint Motion and Memorandum.

For the reasons set forth in the Joint Memorandum as well as in the Thomas Entities' Memorandum of Law in Support of Their Motion to Dismiss, the Thomas Entities respectfully move (the "Motion") this Court to dismiss Plaintiffs' operative Amended Complaint, ECF No. 48, pursuant to Federal Rule of Civil Procedure 12(b)(6).

In support of their Motion, the Thomas Entities submit herewith their Memorandum of Law In Support of Their Motion to Dismiss containing arguments and citations of authorities.

WHEREFORE, the Thomas Entities pray for the following relief:

- (a) That the Complaint be dismissed as to the Thomas Entities;
- (b) That the costs of this action be cast upon Plaintiffs; and
- (c) For such other relief as this Court deems just and proper.

[SIGNATURE BLOCK APPEARS ON THE FOLLOWING PAGE]

Dated: February 15, 2018

Respectfully submitted,

/s/ Samuel W. Outten

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